

ConAgra Foods—Longmont Facility in Longmont, Colorado in the field of occupational safety and health. I also commend Ms. Stephanie Sparks, the Complex Safety & Health Manager for this facility, and her team for their continued excellence.

Recently, the Occupational Safety and Health Administration (OSHA) awarded this facility with the agency's approval as a Merit participant in the Voluntary Protection Program (VPP). This exceptional facility joins fewer than 850 worksites under Federal jurisdiction that have received this prestigious award.

To achieve important recognition, ConAgra has demonstrated an exemplary record of workplace safety and health, achieving injury and illness rates well below the industry average.

ConAgra continually exceeds industry performance records and sets extremely high standards for their competition. I am very proud to represent such a commendable Colorado facility. Congratulations to ConAgra for another job well done.

#### THE IMPACT OF LEFT-WING SPECIAL INTEREST GROUPS ON THE JUDICIAL NOMINATION PROCESS

**HON. MARK E. SOUDER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SOUDER. Mr. Speaker, yesterday I introduced into the RECORD several memos written by Democratic Congressional staff illustrating how deeply politicized the process of appointing new judges to the Federal bench has become. Today I am introducing two more such memos—which were reported by the Wall Street Journal last week—which further reveal the damage that a handful of liberal special interest groups are inflicting on that process.

The memos show how much influence is being wielded by left-wing fringe groups like the so-called People for the American Way and the Alliance for Justice, and extreme pro-abortion groups like the National Abortion Rights Action League (NARAL). These groups apparently were called on to dig up dirt on President Bush's judicial nominees, and were allowed to dictate which nominees to oppose and when to schedule them. One nominee was only supported because another liberal special interest group, the trial lawyers' lobby, wanted to remove him from the trial bench to the appellate bench. Taken together, these memos show the unhealthy influence these groups are having on the federal judiciary—a judiciary that is supposed to serve all the American people, and not just a few special interests.

#### MEMORANDUM

JUNE 4, 2002.

To: Senator Kennedy.

Subject: Meeting with Groups on Judges—Wednesday, 11:50 a.m.

As you know, the meeting with the groups to discuss the strategy on judicial nominations is scheduled for tomorrow at 11:50. Both Senator Schumer and Senator Durbin will be able to attend. The six principals who will attend are: (1) Wade Henderson, (2) Ralph Neas, (3) Leslie Proll of the NAACP LDF, (4) Nancy Zirkin, (5) Nan Aron, and (6) Kate Michelman. It turns out that neither

Marcia nor Judy can make it tomorrow—Marcia has a board meeting and Judy, a family emergency.

We expect that the agenda will include a discussion of: (1) delaying a hearing for Dennis Shedd, a nominee to the Fourth Circuit, who Sen. Leahy would like to schedule on June 27th; (2) which circuit court nominees should be scheduled prior to adjournment; and, (3) our next big fight.

#### SCHEDULE

At present, there is only one noncontroversial circuit court nominee (with a complete file and blue slips) who has not already been scheduled for a hearing. This nominee is John Rogers (6th Circuit), who Senator Leahy will likely schedule for a hearing on June 13th. In addition, there have been two recent nominees to the 2nd Circuit and to the Ninth Circuit, whose records are now being researched, and who may prove to be noncontroversial.

Senator Leahy would then like to schedule Dennis Shedd on June 27th, Judge Priscilla Owen after the July 4th recess, and Miguel Estrada in September.

The groups should be encouraged to propose some specific nominees who can be moved forward before adjournment. Clearly, there are few nominees who are noncontroversial, but the groups should be pushed on whether they would agree on a hearing for some controversial nominees such as Steele, Tymkovich, or Michael McConnell (for whom Leahy has already promised a hearing), on the theory that these nominees are less problematic than others.

#### SHEDD

Senator Leahy has told the groups that he would like to have a hearing on Dennis Shedd this month. Senator Hollings is supportive of Dennis Shedd's nomination and is, reportedly, pressuring Senator Leahy to move forward on a hearing. The groups have strong concerns about Shedd. He is quite bad on civil rights and federalism issues, and he has hundreds of unpublished opinions that have not yet been reviewed. The groups are opposed to having a hearing on him this month in part because they do not believe that they will be able to do an adequate review of his extensive record by June 27th, particularly given that they are gearing up to oppose Judge Owen.

We believe that you should hear the groups' concerns regarding Shedd, but that you should strongly encourage the groups to work with South Carolina groups and individuals to apply pressure on Senator Hollings. We know that some of the groups, including LCCR and the NAACP will meet with Sen. Hollings on Thursday regarding Shedd, but more pressure will likely need to be applied because Sen. Hollings is quite committed to moving Shedd this month.

Recommendation: Encourage groups to work with South Carolina groups to influence Sen. Hollings.

#### OUR NEXT BIG FIGHT

The current thinking from Senator Leahy is that Judge Owen will be our next big fight, after July 4th recess. We agree that she is the right choice—she has a bad record on labor, personal injury, and choice issues, and a broad range of national and local Texas groups are ready to oppose her. The groups seem to be in agreement with the decision to move Owen in July.

Recommendation: Move Owen in July.

#### MEMORANDUM

To: Senator Durbin.

From:

Date: June 5, 2002.

Re: Meeting with Civil Rights Leaders to Discuss Judicial Nominations Strategy Thursday, June 6, 5:30 p.m., Russell 317.

Senator Kennedy has invited you and Senator Schumer to attend a meeting with civil rights leaders to discuss their priorities as the Judiciary Committee considers judicial nominees in the coming months. This meeting was originally scheduled for late Wednesday morning.

This meeting is intended to follow-up your meetings in Senator Kennedy's office last fall. The guest list will be the same: Kate Michelman (NARAL), Nan Aron (Alliance for Justice), Wade Henderson (Leadership Conference on Civil Rights), Ralph Neas (People For the American Way), Nancy Zirkin (American Association of University Women), Marcia Greenberger (National Women's Law Center), and Judy Lichtman (National Partnership).

The meeting is likely to touch upon the following topics:

—Their floor strategy for opposing D. Brooks Smith, who was voted out of Committee 12-7.

—Their concerns with Dennis Shedd, a controversial 4th Circuit nominee from South Carolina—Under pressure from Senator HOLLINGS—who apparently is backing SHEDD because the trial lawyers want him off the district court bench—Chairman Leahy is planning to hold a hearing in late June. The groups would like more time to read through SHEDD's many unpublished opinions, which were only recently provided to the Committee, and to request court transcripts. Based on a preliminary review, this nominee poses a number of problems: he has narrowly interpreted Congress's power under the 14th Amendment (in one instance, he was unanimously reversed by the Supreme Court); he has a long track record of dismissing civil rights claims; he once revoked indigent status for a litigant who used her mother's computer and fax machine to file pleadings; and he has made insensitive comments about the Confederate flag.

—The Judiciary Committee's schedule for the summer and fall. In spite of the White House's intransigence, the Committee continues to schedule hearings at a rapid pace—every two weeks through the end of the session. Bruce Cohen has outlined the following schedule:

June: Rogers (6th Circuit-KY); Shedd (4th Circuit-SC)

July: Owen (5th Circuit-TX); Raagi (2d Circuit-NY)

Sept: Estrada (DC Circuit); possibly Bybee (9th Circuit-NV) (backed by Reid)

Oct: McConnell (10th Circuit-UT)

Leahy has effectively promised that OWEN, ESTRADA, and MCCONNELL would get hearings this year. Like SHEDD, these three will generate significant opposition and controversy. The groups feel that OWEN is vulnerable to defeat, but ESTRADA and MCCONNELL will be hard to vote down in Committee.

—The White House's unwillingness to compromise. On NPR this week, White House Counsel Alberto Gonzalez said:

I'm not sure this [judges] is an area where there should be a great deal of compromise on principle. Regrettably, . . . we may have to be patient and wait to see what happens in the November election. And that may be viewed as a sort of crass political assessment but that is in fact true. One way to get this thing moving is to take back the Senate so that we can at least get our judges onto the full Senate floor.

At the moment, a number of Democrats—Edwards, Graham, Nelson (FL), Levin,

Stabenow—are in stalled negotiations with the White House over judges.

# HONORING SAMUEL FISHER FOR HIS HEROIC SERVICE IN WORLD WAR II

## HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. PORTER. Mr. Speaker, I rise today to honor my constituent, Samuel Fisher, for his heroic service in World War II. As a rifleman with Company B, 49th Armored Infantry Battalion, Eighth Armored Division he helped participate in the final drive of the American and Allied armies that drove the Nazis from France and ended Hitler's rule over Germany. He, and the other brave soldiers of the 49th Armored Infantry, were instrumental in capturing the Ruhr Valley, the center of the German armament industry. By capturing the Ruhr, they deprived the Nazis of the weapons they had used for so long to bring oppression and death across Europe. I am proud to represent Samuel Fisher, and so many other American heroes from the Second World War, and urge this House to join me in thanking Samuel Fisher and all World War II veterans for saving our country, and the world, from fascism.

# PAYING TRIBUTE TO NANCY RATZLAFF

## HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a talented artist from Craig, Colorado. Nancy Ratzlaff uses her creative gift to inspire people to think outside the box. Her enthusiasm spirals through the community as she passes her knowledge of art to her students. I would like to join my colleagues here today in recognizing Nancy's tremendous service to the Craig community.

At sixty-one years old, Nancy Ratzlaff has been painting for more than 4 decades. She is both a commissioned artist and a teacher of her trade. Three years ago, Nancy suffered a heart attack that caused her to lose her leg and spend 5 months in the hospital. However, despite cumbersome crutches and an artificial leg, she continues to find time to teach painting at Craig's Colorado Northwest Community College. Nancy encourages her students to learn from each other and let art open them up to new challenges. She maintains that everyone has a creative drive inside because anyone who can dream can create.

Mr. Speaker, Nancy Ratzlaff is a dedicated individual who uses her talent to enrich the lives of members of her Craig community. Nancy has demonstrated a love for art that resonates in her compassionate and selfless service to her town. Nancy's enthusiasm and commitment certainly deserve the recognition of this body of Congress.

## PERSONAL EXPLANATION

### HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. ISAKSON. Mr. Speaker, I was unavoidably detained yesterday and missed the votes. Had I been present I would have voted as follows: Rollcall number 620—"yes"; rollcall number 621—"yes"; rollcall number 622—"yes"; and rollcall number 623—"yes."

## AMERICANS PUSH FOR RENEWED FIGHT AGAINST DRUNK DRIVING

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mrs. LOWEY. Mr. Speaker, Congress has made good progress over the past 20 years in combating drunk driving, culminating when we passed legislation creating a national .08 blood alcohol content level in 2000. I am pleased that New York recently passed .08, which will save 500–600 lives in the U.S. annually when it is adopted by all states. All but a handful of states have .08 laws on the books—a testament to the effectiveness of the sanction.

Despite this progress, a disturbing complacency about drunk driving seems to have settled upon the nation. In 2002, alcohol-related fatalities rose for the third year in a row, and now account for well over 40 percent of all traffic fatalities. Last year, drunk driving took nearly 18,000 lives. Public policy experts are now beginning to grasp the full economic costs of drunk driving. When one factors health care costs, lost work time, collision repairs, and insurance, the price tag exceeds \$200 million annually.

Almost 6 years ago, a constituent, Burton Greene, was killed by a repeat offender with a .18 blood alcohol content. Mr. Greene's death inspired me to introduce legislation requiring tougher penalties for repeat offenders and high-BAC drivers.

About one-third of all drunk drivers are repeat offenders. Unfortunately, the lack of a national minimum standard for punishing repeat offenders and high-BAC drivers has created an easily exploitable, unwieldy patchwork of laws that varies from state to state. My legislation would require states to pass laws that employ a comprehensive approach to fighting drunk driving, including license restrictions, effective vehicle sanctions, treatment programs, ignition interlocks, fines, and imprisonment. This comprehensive system of penalties builds on the recommendations of numerous studies, as well as measures proven to be effective on the state and local level.

I am proud that Good Housekeeping magazine, which has always tackled the leading issues of the day, has become a partner in the effort to combat drunk driving. An article about Brigid Kelly, a young woman killed by an impaired driver with a suspended license, appeared in the July 2003 issue of the magazine. Brigid's senseless death, which has brought untold grief to her family and friends, is a wake up call to the nation and a powerful reminder of the stakes in the battle against drunk driving.

I was also touched by the response to the article. Over 6,000 readers took the time to write Good Housekeeping in support of national minimum standards for punishing repeat offenders. This outpouring leaves no doubt about where Americans stand on tougher penalties for chronic drunk drivers.

More than 40 people die daily from drunk driving. We should do all we can to prevent such tragedies. I encourage my colleagues to listen to the voices of Good Housekeeping's readers and support swift passage of the Burton Greene bill.

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Ms. BALDWIN. Mr. Speaker, yesterday, this House considered H.R. 6, the Energy Policy Act of 2003. Our country has been waiting almost three years for a sound and comprehensive energy bill, and I am sad to say that they will still be waiting if H.R. 6 is signed into law.

It was my hope that rolling blackouts in California three years ago, the terrorist attacks on September 11 two years ago, and the massive blackouts in the northeast this past August would have provided Congress with the will and fortitude to pass a truly comprehensive energy bill. This bill should have presented a clear vision of what our energy policies should be well into the 21st century; provided us with the tools and resources to reduce our dependence on foreign oil and improve the security of our nation; and made investments in alternative and renewable fuels to provide better answers to our energy needs than simply encouraging more drilling and more pollution. It is crystal clear that H.R. 6 fails on all these counts.

The Republican leadership crafted this 1,700-page bill in secret and sold out to special interests. For months, Republican leaders presided over meetings in which they were supposed to be laying the foundation for the nation's long-term energy priorities. Instead, they chose to negotiate the bill alone, refusing even to tell their Democratic colleagues where or when important sessions were being held. I believe that cowering under the cloak of darkness and cutting backroom deals are not the ways a bill of this magnitude should be debated, discussed, and crafted.

The Energy Policy Act makes a number of changes to our nation's electricity system. The blackouts that wreaked havoc across parts of the Midwest and Northeast four months ago prompted legislators to include much-needed electricity reliability standards in the final bill. I believe this is a good first step in improving the transmission and distribution of the electricity that powers our homes and businesses. Despite this sound provision, H.R. 6 is wrong to repeal the Public Utility Holding Company Act (PUHCA). PUHCA was designed to oversee mergers and prevent power companies from investing in unrelated businesses. PUHCA has been the linchpin in protecting investors and consumers from market fraud and abuse by utilities. By repealing PUHCA and not replacing it with a better alternative, the